

MEMORANDUM ENDORSED

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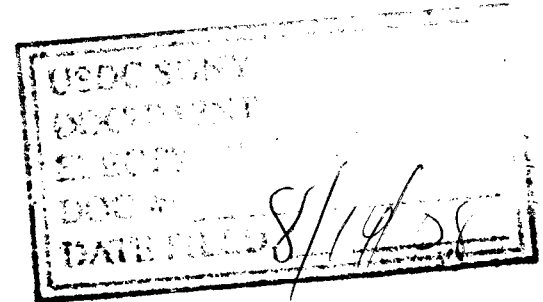
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By Facsimile

August 12, 2008

The Honorable Laura Taylor Swain
United States District Court Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Gandarilla v. City of New York, et al., 07-Civ.-6909 (LTS)

Dear Judge Swain:

We represent Defendant New York City Police Department Captain Alberto Sanchez in this matter. Plaintiff, a former supervisee of Sanchez, alleges that Captain Sanchez sexually harassed her in violation of Title VII and state and local laws. She also seeks recovery for causes of action based upon state tort claims, assault, based on conduct alleged to have occurred on December 1, 2006.

We are writing to request a temporary stay of discovery, with the consent of all parties.

Captain Sanchez is facing criminal charges of Assault 3 in the Bronx Criminal Court with respect to the December 1, 2006 purported assault of Ms. Gandarilla. Ms. Gandarilla will be the chief complaining witness in the criminal trial against Captain Sanchez. This trial was scheduled to begin June 16, 2008. However, on that date, the matter was postponed to allow the State additional time to respond to Captain Sanchez's discovery requests. The criminal matter is scheduled for a status conference on August 19, 2008. If this matter proceeds and discovery is produced at or before the next conference date, it is anticipated that the bench trial of it will be scheduled in the early Fall. This week, the parties have been attempting to finalize deposition dates for early next month. In light of the immediacy of the depositions, after discussions among Captain Sanchez and

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his criminal counsel, there were concerns regarding his Fifth Amendment rights and deposition testimony prior to the adjudication of the criminal trial.

As to the status of discovery generally, the parties have exchanged several thousand pages of paper discovery with more disclosure requests recently served and responses due early next month.

Given the proximity to the criminal matter, the concurrent issues in the cases, the implications for Fifth Amendment rights, we are writing to request that the discovery be temporarily stayed and the deposition and discovery deadlines be adjourned until after the criminal trial. Upon the resolution of the criminal matter, we will inform the Court and submit a revised scheduling order. We have contacted counsel for Plaintiff and co-defendant, and they consent to this request.

This is a first request for such a stay and any change to a final discovery deadline that might entail. Thank you for your attention to this request.

Respectfully submitted,


Steven T. Sledzik

sts

cc: Alberto Sanchez

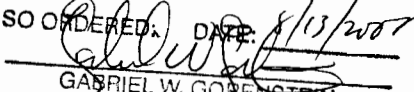
Linda Cronin, Esq. (co-counsel for Plaintiff, by facsimile)

James Caffrey, Esq. (co-counsel for Plaintiff, by facsimile)

Phyllis Calistro, Esq. (Office of Corporation Counsel, counsel for Defendant New York City, by facsimile)

Discovery is stayed. On or before October 31, 2008, Mr. Sledzik is directed to provide either (1) a proposed discovery schedule for this case (after having consulted with all parties) or (2) a status letter.

Finally, the parties are directed – for the third time – to make pre-trial applications (with limited exceptions not relevant here) to the undersigned and not to Judge Swain. See, Order, dated Feb. 19, 2008, at ¶ 1 (Docket # 18); Memorandum Endorsement, dated June 13, 2008 (Docket # 21). Any further violation may result in sanctions.

SO ORDERED. DATE: 8/13/2008

GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE